IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9443 of 2004
Date of decision: December 9443, 2008

Onkar Mal and others ... Petitioners

versus

The State of Haryana and others ... Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.
Hon'ble Mr. Justice Nawab Singh.

Present: Mr. A.K. Chopra, Senior Advocate with
Mr. Vaibhav Narang, Advocate for the petitioners

Mr. Sunil Nehra, Assistant Advocate General, Haryana
for respondents No.1 and 2

Shri Dinesh Ghai, Advocate
for respondents No. 17 to 21, 23 and 24.

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Hemant Gupta, J.

The challenge in the present writ petition is to the order dated 27.01.2004, Annexure P-9, whereby allotment in favour of original allottee Surat Lal was cancelled and purchase of land from Surat Lal was found to be not protected as vendor could not convey better title than what he had. It has been found that Surat Lal did not possess any land in Pakistan at the time of partition of the country, therefore, the allotment of land to Surat Lal was not tenable. The said allotment was cancelled vide different orders passed between 28.01.1957 to 29.03.1962 but Surat Lal never challenged the said orders till he died in the year 1976. It was in the year 1978 that

Bhagwan Dass son of Surat Lal moved an application on 19.12.1978 for delivery of possession of land allotted in the name of his father Surat Lal in village Nigana, District Bhiwani or alternative allotment, which was allowed on 21.07.1981. Such allotment was finally quashed vide order dated 27.01.2004, Annexure P-9, passed by the Commissioner & Secretary to Govt. Haryana, Rehabilitation Department, exercising the powers of Central Government.

The sole argument of learned counsel for the petitioners is that they are bona fide purchasers from the vendees for valuable consideration and, thus, sale in their favour is protected under section 41 of the Transfer of Property Act, 1882. The argument raised by learned counsel for the petitioners is not sustainable for the reasons recorded in **Letters Patent Appeal No. 184 of 2004 titled Subhash Chand and others vs. The Financial Commissioner Revenue and others**, decided vide separate order of even date.

For the reasons recorded in **LPA No. 184 of 2004,** the present writ petition is dismissed.

(Hemant Gupta)
Judge

December 24, 2008 **(Nawab Singh)**
ks **Judge**